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COPY OF TREATY

— AND —

SUPPLEMENTARY TREATIES

MADE 20<sup>TH</sup> AND 24<sup>TH</sup> SEPTEMBER, 1875,

BETWEEN

HER MAJESTY THE QUEEN

AND THE

SAULTEAUX AND SWAMPY CREE

TRIBES OF INDIANS,

— AT —

BEREN'S RIVER AND NORWAY HOUSE.

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# ARTICLES

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**ARTICLES OF A TREATY** made and concluded at Berens' River the 20th day of September, and at Norway House the 24th day of September in the year of Our Lord one thousand eight hundred and seventy-five, between **HER MOST GRACIOUS MAJESTY THE QUEEN** of Great Britain and Ireland, by her Commissioners, the Honorable **ALEXANDER MORRIS** Lieutenant Governor of the Province of Manitoba and the North West Territories, and the Honorable **JAMES MCKAY**, of the one part, and the Saulteaux and Swampy-Cree Tribes of Indians, inhabitants of the country within the limits hereinafter defined and described by their Chiefs, chosen and named as hereinafter mentioned, of the other part :—

**WHEREAS** the Indians inhabiting the said country have, pursuant to an appointment made by the said Commissioners, been convened at meetings at Berens River and Norway House, to deliberate upon certain matters of interest to Her Most Gracious Majesty, of the one part, and the said Indians of the other ;

**AND WHEREAS** the said Indians have been notified and informed by Her Majesty's said Commissioners, that it is the desire of Her Majesty to open up for settlement, immigration, and such other purposes as to Her Majesty may seem meet, a tract of country bounded and described as hereinafter mentioned, and to obtain the consent thereto of Her Indian subjects inhabiting the said tract, and to make a treaty and arrange with them, so that there may be peace and good will between them and Her Majesty, and that they may know and be assured of what allowance they are to count upon and receive from Her Majesty's bounty and benevolence ;

*And whereas*, the Indians of the said tract, duly convened in Council as aforesaid, and being requested by Her Majesty's said Commissioners to name certain Chiefs and headmen, who should be authorized on their behalf to conduct such negotiations and sign any treaty to be founded thereon, and to become responsible to Her Majesty for their faithful performance by their respective Bands of such obligations as shall be assumed by them, the said Indians have thereupon named the following persons for that purpose, that is to say :—For the Indians within the Berens River region and their several Bands :

Nah-wee-kee-sick-quah-yash, Chief ; Kah-nah-wah-kee-wee-nin and Nah-kee-quan-nay-yash, Councillors, and Pee-wah-noo-wee-nin, of Poplar River, Councillor ; for the Indians within the Norway House region and their several Bands, David Rundle, Chief ; James Cochrane, Harry Constatag and Charles Pisequinip, Councillors ; and Ta-pas-ta-num, or Donald William Sinclair Ross, Chief ; James Garriock and Proud McKay, Councillors ;

And thereupon in open Council, the different Bands having presented their Chiefs to the said Commissioners as the Chiefs and head men, for the purposes aforesaid, of the respective Bands of Indians inhabiting the said district hereinafter described

*And whereas*, the said Commissioners then and there received and acknowledged the persons so presented as Chiefs and head men, for the purposes aforesaid, of the respective Bands of Indians inhabiting the said district hereinafter described ;



And whereas, the said Commissioners have proceeded to negotiate a treaty with the said Indians and the same has been finally agreed upon and concluded as follows, that is to say :—

The Saulteaux and Swampy Cree Tribes of Indians and all other the Indians inhabiting the district hereinafter described and defined, do hereby cede, release, surrender, and yield up to the Government of the Dominion of Canada, for Her Majesty the Queen and Her successors forever, all their rights, titles and privileges whatsoever to the lands included within the following limits, that is to say :—

Commencing at the north corner or junction of Treaties Nos. 1 and 3, thence easterly along the boundary of Treaty No. 3 to the Height of Land at the north-east corner of the said Treaty limits, a point dividing the waters of the Albany and Winnipeg Rivers, thence due north along the said Height of Land to a point intersected by the 53° of north latitude, and thence north-westerly to Favorable Lake, thence following the east shore of said Lake to its northern limit, thence north-westerly to the North end of Lake Winnipegosis, thence Westerly to the Height of Land called "Robinson's Portage," thence north-westerly to the east end of Cross Lake, thence north-westerly crossing Fox's Lake, thence north-westerly to the north end of Split Lake, thence south-westerly to Pipestone Lake, on Burntwood River, thence south-westerly to the western point of John Scott's Lake, thence south-westerly to the north shore of Beaver Lake, thence south-westerly to the west end of Cumberland Lake, thence due south to the Saskatchewan River, thence due south to the north-west corner of the northern limits of Treaty No. 4, including all territory within the said limits, and all Islands on all lakes within the said limits as above described, and it being also understood that in all cases where lakes form the treaty limits, ten miles from the shore of the lake should be included in the treaty ;

And also all their rights, titles and privileges whatsoever to all other lands wherever situated in the North-West Territories, or in any other Province or portion of Her Majesty's Dominions situated and being within the Dominion of Canada,—

The tract comprised within the lines above described embracing an area of one hundred thousand square miles, be the same, more or less,—

To have and to hold the same to Her Majesty the Queen and Her successors forever.

And Her Majesty the Queen hereby agrees and undertakes to lay aside Reserves for farming lands, due respect being had to lands at present cultivated by the said Indians, and other Reserves for the benefit of the said Indians to be administered and dealt with for them by Her Majesty's Government of the Dominion of Canada; provided all such Reserves shall not exceed in all 160 acres for each family of five, or in that proportion for larger or smaller families, in manner following, that is to say :—For the Band of Saulteaux in the Berens River region now settled, or who may within two years settle therein, a Reserve commencing at the outlet of Berens River into Lake Winnipeg, and extending along the shores of said lake and up said river and into the interior behind said lake and river, so as to comprehend 160 acres for each family of five, a reasonable addition being, however, to be made by Her Majesty to the extent of the said Reserve for the inclusion in the tract so reserved of swamp, but reserving the free navigation of the said lake and river, and free access to the shores and waters thereof for Her Majesty and all Her subjects, and excepting thereout such land as may have been granted to or stipulated to be held by the Hudsons Bay Company, and also such land as Her Majesty or her successors may in her good pleasure see fit to grant to the Mission established at or near Berens River by the Methodist Church of Canada, for a church, school house, parsonage, burial ground and farm, or other mission purposes; and to the Indians residing at Poplar River, falling into Lake Winnipeg north of Berens River, a Reserve not exceeding 160 acres to each family of five, respecting as much as possible their present improvements:—and inasmuch as a number of the Indians now residing in and about Norway House, of the Band of whom David Rundle is Chief, are desirous of

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removing to a locality where they can cultivate the soil, Her Majesty the Queen hereby agrees to lay aside a Reserve on the west side of Lake Winnipeg, in the vicinity of Fisher River, so as to give 100 acres to each family of five, or in that proportion for larger or smaller families, who shall remove to the said locality within "three years," it being estimated that ninety families or thereabout will remove within the said period, and that a Reserve will be laid aside sufficient for that or the actual number;—and it is further agreed that those of the Band who remain in the vicinity of "Noi way House" shall retain for their own use their present gardens, buildings, and improvements until the same be departed with by the Queen's Government, with their consent first had and obtained for their individual benefit, if any value can be realized therefor:—and with regard to the Band of Wood Indians of whom Ta-pas-tanum or Donald William Sinclair Ross is Chief, a Reserve at Otter Island on the west side of Cross Lake of 160 acres for each family of five, or in that proportion for smaller families, reserving however to Her Majesty, Her successors, and Her subjects, the free navigation of all lakes and rivers, and free access to the shores thereof; Provided, however, that Her Majesty reserves the right to deal with any settlers within the bounds of any lands reserved for any Band as she shall deem fit, and also that the aforesaid Reserves of land, or any interest therein, may be sold or otherwise disposed of by Her Majesty's Government for the use and benefit of the said Indians entitled thereto, with their consent first had and obtained; and with a view to show the satisfaction of Her Majesty with the behaviour and good conduct of her Indians she hereby through her Commissioners makes them a present of five dollars for each man, woman and child belonging to the Bands here represented, in extinguishment of all claims heretofore preferred;

And further, Her Majesty agrees to maintain schools for instruction in such Reserves hereby made as to Her Government of the Dominion of Canada may seem advisable, whenever the Indians of the Reserve shall desire it.

Her Majesty further agrees with her said Indians, that within the boundary of Indian Reserves, until otherwise determined by her Government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force, or hereafter to be enacted, to preserve her Indian subjects inhabiting the Reserves or living elsewhere within Her North-West Territories, from the evil influence of the use of intoxicating liquors, shall be strictly enforced;—

Her Majesty further agrees with her said Indians that they, the said Indians, shall have right to pursue their avocations of hunting and fishing throughout the tract surrendered as hereinbefore described, subject to such regulations as may from time to time be made by Her Government of Her Dominion of Canada, and saving and excepting such tracts as may from time to time be required or taken up for settlement, mining, lumbering or other purposes by her said Government of the Dominion of Canada, or by any of the subjects thereof duly authorized therefor by the said Government;

It is further agreed between Her Majesty and Her said Indians, that such sections of the Reserves above indicated as may at any time be required for public works or buildings, of what nature soever, may be appropriated for that purpose by Her Majesty's Government of the Dominion of Canada, due compensation being made for the value of any improvements thereon,—

And further, that Her Majesty's Commissioners shall, as soon as possible after the execution of this treaty, cause to be taken an accurate census of all the Indians inhabiting the tract above described, distributing them in families, and shall in every year ensuing the date hereof, at some period in each year, to be duly notified to the Indians, and at a place or places to be appointed for that purpose within the Territory ceded, pay to each Indian person the sum of five dollars per head yearly.

It is further agreed between Her Majesty and the said Indians that the sum of \$500 per annum shall be yearly and every year expended by Her Majesty in the purchase of ammunition and twine for nets for the use of the said Indians, in manner

following, that is to say:—In the reasonable discretion as regards the distribution thereof among the Indians inhabiting the several Reserves or otherwise included herein, of Her Majesty's Indian Agent having the supervision of this treaty;

It is further agreed between Her Majesty and the said Indians that the following articles shall be supplied to any Band of the said Indians who are now cultivating the soil, or who shall hereafter commence to cultivate the land, that is to say:—Two hoes for every family actually cultivating; also one spade per family as aforesaid; one plough for every ten families as aforesaid; five harrows for every twenty families as aforesaid; one scythe for every family as aforesaid, and also one axe; and also one cross-cut saw, one hand saw, one pit saw, the necessary files, one grindstone, and one auger for each Band; and also for each Chief for the use of his Band, one chest of ordinary carpenter's tools; also, for each Band, enough of wheat, barley, potatoes and oats to plant the land actually broken up for cultivation by such Band; also, for each Band, one yoke of oxen, one bull, and four cows; all the aforesaid articles to be given *once for all* for the encouragement of the practice of agriculture among the Indians.

It is further agreed between Her Majesty and the said Indians, that each Chief duly recognized as such, shall receive an annual salary of twenty-five dollars per annum, and each subordinate officer, not exceeding three for each band, shall receive fifteen dollars per annum, and each such Chief and subordinate officer as aforesaid shall also receive, once every three years, a suitable suit of clothing: and each Chief shall receive, in recognition of the closing of the treaty, a suitable flag and medal.

And the undersigned Chiefs, on their own behalf, and on behalf of all other Indians inhabiting the tract within ceded, do hereby solemnly promise and engage to strictly observe this treaty, and also to conduct and behave themselves as good and loyal subjects of Her Majesty the Queen. They promise and engage that they will, in all respects, obey and abide by the law, and they will maintain peace and good order between each other, and also between themselves and other Tribes of Indians, and between themselves and others of Her Majesty's subjects, whether Indians or Whites, now inhabiting or hereafter to inhabit any part of the said ceded tracts; and that they will not molest the person or property of any inhabitant of such ceded tracts, or the property of Her Majesty the Queen, or interfere with or trouble any person passing or travelling through the said tracts or any part thereof: and that they will aid and assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this treaty, or infringing the laws in force in the country so ceded.

IN WITNESS WHEREOF, Her Majesty's said Commissioners and the said Indian Chiefs have hereunto subscribed and set their hands at "Berens River," this Twentieth day of September, A. D. 1875, and at Norway House, on the Twenty-fourth day of the month and year herein first above named.

Signed by the Chiefs within named in presence of the following witnesses, the same having been first read and explained by the Honorable James McKay:—

THOMAS HOWARD.  
A. G. JACKES, M.D.  
CHRISTINE MORRIS.  
E. C. MORRIS.  
ELIZABETH YOUNG.  
EGERTON RYERSON YOUNG.  
WILLIAM MCKAY.  
JOHN MCKAY.

ALEX. MORRIS, L. G.	[L.S.]
JAMES MCKAY.	[L.S.]
NAH-WEE-KEE-SICK-QUAH-YASH,	
otherwise JACOB BERENS,	his
Chief.	+
	mark.
KAH-WAH-NAH-KEE-WEE-NIN,	his
otherwise ANTOINE GOULIN,	+
	mark.
	his
NAH-KEE-QUAN-NAY-YASH,	+
	mark.
	his
PEE-WAH-ROO-WEE-NIN,	+
	mark.

Councillors.

Signed  
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Signed at Norway House by the Chiefs and Councillors hereunto subscribing in the presence of the undersigned witnesses, the same having been first read and explained, by the Honorable James McKay:—

RODERICK ROSS.  
JOHN H. RUTTAN.  
*Methodist Minister.*

O. GERMAN.  
*Methodist Minister.*

D. C. MCTAVISH.  
ALEXANDER SINCLAIR.  
L. C. MCTAVISH.  
CHRISTINE V. K. MORRIS.  
E. C. MORRIS.  
A. G. JACKES, M.D.  
THOMAS HOWARD.

ALEX. MORRIS, L. G. [L.S.]  
JAMES MCKAY, [L.S.]  
DAVID RUNDLE,  
*Chief.*

JAMES COCHRANE. his  
+  
mark.

HARRY CONSTATAO, his  
+  
mark.

CHARLES PISEQUINIP, his  
+  
mark.  
*Councillors.*

TA-PAS-TA-NUM OF his  
DONALD WM. SINCLAIR ROSS, +  
[Chief. mark.]

GEORGE GARRIOCK, his  
+  
mark.  
PROUD MCKAY,  
*Councillors.*

We the Band of the Saulteaux Tribe of Indians, residing at the mouth of the Saskatchewan River, on both sides thereof, having had communication of the foregoing treaty, hereby, and in consideration of the provisions of the said treaty being extended to us, transfer, surrender, and relinquish to Her Majesty the Queen, Her Heirs and successors, to and for the use of the Government of Canada, all our right, title and privileges whatsoever, which we have or enjoy in the territory described in the said treaty, and every part thereof, to have and to hold to the use of Her Majesty the Queen, and Her Heirs and successors forever.

And Her Majesty agrees, through the said Commissioners, to assign a Reserve of sufficient area to allow one hundred and sixty acres to each family of five, or in that proportion for larger or smaller families—such Reserve to be laid off and surveyed next year, on the south side of the River Saskatchewan.

And having regard to the importance of the land where the said Indians are now settled, in respect of the purposes of the navigation of the said river, and transport in connection therewith, and otherwise, and in view of the fact that many of the said Indians have now houses and gardens on the other side of the river, and elsewhere, which they will abandon, Her Majesty agrees, through Her said Commissioners, to grant a sum of five hundred dollars to the said Band, to be paid in equitable proportions to such of them as have houses, to assist them in removing their houses to the said Reserve, or building others. And the said Indians represented herein by their Chief and Councillors, presented as such by the Band, do hereby agree to accept the several provisions, payments, and other benefits, as stated in the said treaty, and solemnly promise and engage to abide by, carry out and fulfil all the stipulations, obligations and conditions therein contained, on the part of the said chiefs and Indians therein named, to be observed and performed, and in all things to conform to the articles of the said treaty as if we ourselves had been originally contracting parties thereto.

IN WITNESS WHEREOF, Her Majesty's said Commissioners and the said Indian Chief and Councillors have hereunto subscribed and set their hands, at the Grand Rapids, this twenty-seventh day of September, in the year of Our Lord One thousand eight hundred and seventy-five.

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Signed by the parties in the presence of the undersigned witnesses, the same having been first explained to the Indians by the Honourable James McKay:—

THOS. HOWARD.  
RODK. ROSS.  
E. C. MORRIS.  
A. G. JACKES, M. D.  
ALEX. MATHESON.  
JOSEPH HOUTON.  
CHRISTINE V. K. MORRIS.

ALEX. MORRIS, L.G.  
JAMES MCKAY.

[L. S.]  
[L. S.]

PETER BEARDY,  
Chief,

his  
+  
mark.

JOSEPH ATKINSON,

his  
+  
mark.

ROBERT SANDERSON,

his  
+  
mark.

Councillors.

*Memoro*

The Queen's Indian Commissioners having met Thick Foot and a portion of the Islands Band of Indians at Wapang or Dog Head Island, on the 28th day of September, A.D. 1875, request him to notify the Island Indians and those of Jack Head Point, to meet at Wapang an Indian Agent next summer, to receive payments under the treaty which they have made with the Indians of Norway House, Berens River, Grand Rapids and Lake Winnipeg, and in which they are included, at a time of which they will be notified, and to be prepared then to designate their Chief and two Councillors. The Commissioners have agreed to give some of the Norway House Indians a Reserve at Fisher Creek, and they will give land to the Island Indians at the same place.

Given at Wapang, this 28th day of September, A.D. 1875, under our hands.

ALEX. MORRIS, L.G.  
JAMES MCKAY.

I accept payments under the treaty for myself and those who may adhere to me, and accept the same and all its provisions, as a principal Indian, and agree to notify the Indians as above written.

WAPANG, September 28th, 1875.

THICK FOOT,

his  
+  
mark.

Witness.

THOS. HOWARD. }  
RODK. ROSS. }